IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.MC.No. 361 of 2007()

CP.78/2006 of JUDL. MAGISTRATE OF FIRST CLASS, KUNNAMANGALAM

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PETITIONER: AQCCUSED.

AZEEZ ERANHOLI, S/O.KUNHAYIN,
VALIYANCRANHOLI HOUSE, PAINGOTTUPURAM P.O.
KUNNAMANGALAM, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.361 of 2007

Dated this the 26th day of February, 2007

ORDER

The petitioner herein is the accused in a private complaint and the offence alleged against him includes the offence punishable under Section 3(1)(X) of the Scheduled Caste/Schedule Tribe Prevention of Atrocities Act. The petitioner was not available at earlier stages. He has subsequently appeared before the learned Magistrate. Bail was granted to him subject to condition that he produces the passport. The petitioner now wants to get the passport released in order to enable him to renew his visa. The petitioner has come directly to this Court with the grievance that the retention of the passport in the custody of the court is marring his chances of getting the visa renewed.

2. Report of the learned Magistrate was called for. The learned Magistrate reports that there is no impediment in directing release of the passport to the petitioner subject to conditions in order to enable him to renew the visa and produce the same before court within a stipulated period of time.

3. The learned counsel for the petitioner submits that the period of visa expires on 28.02.2007 and therefore unless directions are issued expeditiously, that would cause great hardship and loss to the petitioner.

4. In the peculiar facts and circumstances of this case, I am satisfied, that directions can be issued to the learned Magistrate to release the passport to the petitioner subject to appropriate conditions.

5. In the result, this Crl.M.C is allowed. The following directions are issued:

> i) The passport of the petitioner shall be released to the petitioner on condition that he executes a bond for Rs.25,000/- undertaking to return the passport within a period of two months from the date of its release after getting the visa extended;
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> ii) The photostat copy of the passport shall be obtained and substituted before release of the passport to the petitioner.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-